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In re Application of
HAN MIN-JAE
Application No.: 09/319,093
PCT No.: PCT/JP98/04344
Int. Filing Date: 28 September 1998
Priority Date: 02 October 1997
Attorney Docket No.: 6715/57089
For: RECORDING/REPRODUCING DEVICE
AND RECORDING/REPRODUCING METHOD

DECISION ON PETITION

This is a decision on applicant's "RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE" filed in the Patent and Trademark Office (PTO) on 05 October 1999, which is treated as a petition under 37 CFR 1.181.

BACKGROUND

On 28 May 1999, prior to the expiration of the 20 month period, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, an English-language translation of the international application and the basic national fee.

On 02 September 1999, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration submitted on 16 August 1999 was not in compliance with 37 CFR 1.497(a) and (b). The accompanying NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION (Form PCT/DO/EO/917) indicated that the oath/declaration did not list "HAN MIN-JAE" as the inventor on the published application.

On 05 October 1999, applicant filed the present papers requesting, in effect, that the declaration of the inventor filed on 16 August 1999, be accepted on the grounds that the name "TOSHIYA KAN" listed in the international application was incorrect and the inventor's

correct name "HAN MIN-JAE" appears on the declaration filed. Because applicant state that the correction is not a change in inventorship, but rather only a correction of a transliterational error in the inventor's name, the papers will be treated as filed under 37 CFR 1.181. No petition fee is required.

DISCUSSION

A review of the application file reveals that the given name of the applicant is listed in the international application as "TOSHIYA KAN", while the given name is listed in the declaration as "HAN MIN-JAE". Applicant submitted the statement of the Japanese translator who translated the application from Japanese to English. The translator states that he thought that inventor's name translated into "Kan Toshiya" and was later informed that the proper pronunciation and spelling of the inventor's name is "Han Min-Jae". He offers the explanation that the "inventor's name could be read differently when translating from Korean to Japanese to English" and that "the U.S. application is based on reading the inventor's name in Korean" concluding that the inventor of this U.S. application is the same person as the inventor of the PCT application. Therefore, the declaration filed 16 August 1999 is hereby accepted, and specifically, the correction of Toshiya Kan to Han Min-Jae is deemed an error of transliteration.


CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The application will be forwarded to U.S. Designated/Elected Office for further processing. The 35 U.S.C. 371(c) and 102(e) date is 16 August 1999.



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